

# HOUSE BILL No. 1451

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-22; IC 3-10; IC 3-11-2-12; IC 6-1.1-1.5; IC 36-1; IC 36-2; IC 36-9-13-2.

**Synopsis:** County government reorganization. Requires county election boards in counties not having a consolidated city to place a public question on the ballot at the November 2008 general election to allow the voters of each county to determine whether: (1) the county executive and the county legislative body in the county should be an elected board of county commissioners; or (2) the board of county commissioners of the county should be eliminated, the county executive should be an elected chief executive officer, and the county council should be the county legislative body as well as the county fiscal body. Provides that in a county in which the voters have voted in favor of having a county chief executive officer: (1) the initial county chief executive officer shall be elected for a four year term at the November 2010 general election; (2) all powers and duties of the county that are executive or administrative in nature shall be exercised or performed by the chief executive officer; and (3) all powers and duties of the county that are legislative in nature shall be exercised or performed by the county council functioning as the county legislative body. Provides that the current statute allowing the county council to act as the legislative body in certain counties expires in 2011. Requires county election boards in counties not having a consolidated city to place a public question on the ballot at the November 2008 general election to allow the voters of each county to determine whether: (1) a county finance department should be established in the county to assume the powers and duties currently held by the county auditor, the county treasurer, and the county assessor; or (2) the county auditor, the county treasurer, and the county assessor should retain their powers  
(Continued next page)

**Effective:** July 1, 2007.

**Thompson**

January 23, 2007, read first time and referred to Committee on Government and Regulatory Reform.



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and duties. Provides that if the voters of a county choose to have a county finance department: (1) the county executive shall appoint a county controller to be the fiscal officer of the county and serve as the head of the county finance department; (2) the county controller has the duties and powers assigned by statute to the county auditor, county treasurer, and county assessor; (3) the county auditor, county treasurer, and county assessor no longer have those powers; and (4) the office of county assessor is abolished. Requires county election boards in counties not having a consolidated city to place a public question on the ballot at the November 2008 general election to allow the voters of each county to choose whether: (1) the county executive shall determine the county departments and employees that will be responsible for carrying out powers and duties assigned by statute to the county recorder and county surveyor; or (2) the county recorder and county surveyor should retain their powers and duties. Provides that if the voters of a county choose to have the county executive make the determination: (1) the county executive shall determine the departments and employees that have those powers and duties; and (2) the county recorder and county surveyor no longer have those powers and duties. Requires the coroners training board to prescribe a minimum basic training course for coroners. Requires each coroner to successfully complete the minimum basic training course for coroners not later than six months after taking office. Provides that if a coroner does not successfully complete the minimum basic training course, the county shall withhold the paycheck of the coroner and may not compensate the coroner until the coroner successfully completes the course.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## HOUSE BILL No. 1451

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-5-2-22 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 22. **(a)** "Executive" means:  
3 (1) **except as provided in subsection (b)**, board of county  
4 commissioners, for a county not having a consolidated city;  
5 (2) mayor of the consolidated city, for a county having a  
6 consolidated city;  
7 (3) mayor, for a city;  
8 (4) president of the town council, for a town; or  
9 (5) trustee, for a township.  
10 **(b) "Executive", for a county subject to IC 36-2-2.5, after**  
11 **December 31, 2010, means the chief executive officer elected under**  
12 **IC 3-10-2-13.**  
13 SECTION 2. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,  
14 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2007]: Sec. 19. (a) The ballot for a primary election shall be



printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

### OFFICIAL PRIMARY BALLOT

\_\_\_\_\_ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB \_\_\_\_\_

☐ (2) CD \_\_\_\_\_

☐ (3) EF \_\_\_\_\_

☐ (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

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(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor **(except as provided in IC 36-2-15-1.5(b)(1)).**

(H) County commissioner **(except as provided in IC 36-2-2.5-3(1)(B)).**

**(I) County chief executive officer (as provided in IC 36-2-2.5-3(1)(A)).**

~~(H)~~ **(J)** County council member.

(5) Township offices:

(A) Township assessor.

(B) Township trustee.

(C) Township board member.

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

(1) Precinct committeeman.

(2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

(1) School board offices to be elected at the primary election.

(2) Other local offices to be elected at the primary election.

(3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

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(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 3. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

(1) Clerk of the circuit court.

(2) County auditor.

(3) County recorder.

(4) County treasurer.

(5) County sheriff.

(6) County coroner.

(7) County surveyor.

(8) County assessor **(except as provided in IC 36-2-15-1.5(b)(1)).**

(9) County commissioner **(except as provided in IC 36-2-2.5-3(1)(B)).**

**(10) County chief executive officer (as provided in IC 36-2-2.5-3(1)(A)).**

~~(10)~~ **(11)** County council member.

~~(11)~~ **(12)** Township trustee.

~~(12)~~ **(13)** Township board member.

~~(13)~~ **(14)** Township assessor.

~~(14)~~ **(15)** Judge of a small claims court.

~~(15)~~ **(16)** Constable of a small claims court.

SECTION 4. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

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- 1 (1) Federal and state offices:
- 2 (A) President and Vice President of the United States.
- 3 (B) United States Senator.
- 4 (C) Governor and lieutenant governor.
- 5 (D) Secretary of state.
- 6 (E) Auditor of state.
- 7 (F) Treasurer of state.
- 8 (G) Attorney general.
- 9 (H) Superintendent of public instruction.
- 10 (I) United States Representative.
- 11 (2) Legislative offices:
- 12 (A) State senator.
- 13 (B) State representative.
- 14 (3) Circuit offices and county judicial offices:
- 15 (A) Judge of the circuit court, and unless otherwise specified
- 16 under IC 33, with each division separate if there is more than
- 17 one (1) judge of the circuit court.
- 18 (B) Judge of the superior court, and unless otherwise specified
- 19 under IC 33, with each division separate if there is more than
- 20 one (1) judge of the superior court.
- 21 (C) Judge of the probate court.
- 22 (D) Judge of the county court, with each division separate, as
- 23 required by IC 33-30-3-3.
- 24 (E) Prosecuting attorney.
- 25 (F) Clerk of the circuit court.
- 26 (4) County offices:
- 27 (A) County auditor.
- 28 (B) County recorder.
- 29 (C) County treasurer.
- 30 (D) County sheriff.
- 31 (E) County coroner.
- 32 (F) County surveyor.
- 33 (G) County assessor **(except as provided in**
- 34 **IC 36-2-15-1.5(b)(1)).**
- 35 (H) County commissioner **(except as provided in**
- 36 **IC 36-2-2.5-3(1)(B)).**
- 37 **(I) County chief executive officer (as provided in**
- 38 **IC 36-2-2.5-3(1)(A)).**
- 39 **⊕ (J) County council member.**
- 40 (5) Township offices:
- 41 (A) Township assessor.
- 42 (B) Township trustee.

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- 1 (C) Township board member.
- 2 (D) Judge of the small claims court.
- 3 (E) Constable of the small claims court.
- 4 (6) City offices:
- 5 (A) Mayor.
- 6 (B) Clerk or clerk-treasurer.
- 7 (C) Judge of the city court.
- 8 (D) City-county council member or common council member.
- 9 (7) Town offices:
- 10 (A) Clerk-treasurer.
- 11 (B) Judge of the town court.
- 12 (C) Town council member.

13 SECTION 5. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2007]:

16 **Chapter 1.5. County Controller Duties**

17 **Sec. 1. This chapter applies to each county that does not have a**  
 18 **consolidated city.**

19 **Sec. 2. If a county finance department is established in the**  
 20 **county under IC 36-2-6.5, the county controller appointed under**  
 21 **IC 36-2-6.5-4 has the duties and powers assigned by statute under**  
 22 **this article to the county assessor.**

23 SECTION 6. IC 36-1-2-5 IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) "Executive" means:

- 25 (1) **except as provided in subsection (b),** board of
- 26 commissioners, for a county not having a consolidated city;
- 27 (2) mayor of the consolidated city, for a county having a
- 28 consolidated city;
- 29 (3) mayor, for a city;
- 30 (4) president of the town council, for a town;
- 31 (5) trustee, for a township;
- 32 (6) superintendent, for a school corporation; or
- 33 (7) chief executive officer, for any other political subdivision.

34 **(b) "Executive", for a county subject to IC 36-2-2.5, after**  
 35 **December 31, 2010, means the chief executive officer elected under**  
 36 **IC 3-10-2-13.**

37 SECTION 7. IC 36-1-2-7, AS AMENDED BY P.L.227-2005,  
 38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2007]: Sec. 7. (a) "Fiscal officer" means:

- 40 (1) **except as provided in subsection (b),** auditor, for a county
- 41 not having a consolidated city;
- 42 (2) controller, for a:

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- 1 (A) consolidated city;
- 2 (B) county having a consolidated city, except as otherwise
- 3 provided; or
- 4 (C) second class city;
- 5 (3) clerk-treasurer, for a third class city;
- 6 (4) clerk-treasurer, for a town; or
- 7 (5) trustee, for a township.

8 **(b) "Fiscal officer", for a county that establishes a county**  
 9 **finance department under IC 36-2-6.5, means the county controller**  
 10 **appointed under IC 36-2-6.5-4.**

11 SECTION 8. IC 36-1-2-9, AS AMENDED BY P.L.186-2006,  
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2007]: Sec. 9. "Legislative body" means the:

- 14 (1) board of county commissioners, for a county not subject to
- 15 IC 36-2-3.5 **(before January 1, 2011), IC 36-2-3.7 (after**
- 16 **December 31, 2010),** or IC 36-3-1;
- 17 (2) county council, for a county subject to IC 36-2-3.5 **(before**
- 18 **January 1, 2011) or IC 36-2-3.7 (after December 31, 2010);**
- 19 (3) city-county council, for a consolidated city or county having
- 20 a consolidated city;
- 21 (4) common council, for a city other than a consolidated city;
- 22 (5) town council, for a town;
- 23 (6) township board, for a township;
- 24 (7) governing body of any other political subdivision that has a
- 25 governing body; or
- 26 (8) chief executive officer of any other political subdivision that
- 27 does not have a governing body.

28 SECTION 9. IC 36-1-3-6 IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) If there is a constitutional or  
 30 statutory provision requiring a specific manner for exercising a power,  
 31 a unit wanting to exercise the power must do so in that manner.

32 (b) If there is no constitutional or statutory provision requiring a  
 33 specific manner for exercising a power, a unit wanting to exercise the  
 34 power must either:

- 35 (1) if the unit is a county or municipality, adopt an ordinance
- 36 prescribing a specific manner for exercising the power;
- 37 (2) if the unit is a township, adopt a resolution prescribing a
- 38 specific manner for exercising the power; or
- 39 (3) comply with a statutory provision permitting a specific manner
- 40 for exercising the power.

41 (c) An ordinance under subsection (b)(1) must be adopted as  
 42 follows:

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(1) In a municipality, by the legislative body of the municipality.

(2) In a county subject to IC 36-2-3.5 (**before January 1, 2011**), **IC 36-2-3.7 (after December 31, 2010)**, or IC 36-3-1, by the legislative body of the county.

(3) In any other county, by the executive of the county.

(d) A resolution under subsection (b)(2) must be adopted by the legislative body of the township.

SECTION 10. IC 36-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 1.5. Public Questions on County Government**

**Sec. 1. This chapter applies to all counties not having a consolidated city.**

**Sec. 2. The county election board of each county shall place the following public question on the ballot at the November 2008 general election:**

**"Vote for only one (1) of the following statements:**

**(1) The county executive and the county legislative body in the county should be an elected board of county commissioners.**

**(2) The board of county commissioners of the county should be eliminated. The county executive of the county should be an elected chief executive officer, and the county council should be the county legislative body as well as the county fiscal body."**

**Sec. 3. The county election board of each county shall place the following public question on the ballot at the November 2008 general election:**

**"Vote for only one (1) of the following statements:**

**(1) A county finance department should be established in the county to assume the powers and duties currently held by the county auditor, the county treasurer, and the county assessor.**

**(2) The county auditor, the county treasurer, and the county assessor should retain their powers and duties, and a county finance department should not be established in the county."**

**Sec. 4. The county election board of each county shall place the following public question on the ballot at the November 2008 general election:**

**"Vote for only one (1) of the following statements:**

**(1) The county executive should determine which county departments and employees shall be responsible for carrying out duties and exercising powers assigned by statute to the county recorder and the county surveyor.**

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(2) The county recorder and the county surveyor should retain their powers and duties as assigned by statute."

**Sec. 5. (a)** The public questions under this chapter shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

**(b)** The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the:

- (1) Indiana election commission;
- (2) department of state revenue;
- (3) department of local government finance;
- (4) state board of accounts; and
- (5) secretary of state.

**SECTION 11.** IC 36-2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. (a)** Except as provided in subsection (b), this chapter applies to all counties not having a consolidated city.

**(b)** After December 31, 2010, this chapter applies only to a county in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county executive that is a board of county commissioners governed by and operating under this chapter.

**SECTION 12.** IC 36-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 2.5. County Chief Executive Officer**

**Sec. 1.** This chapter applies after December 31, 2010, to each county:

- (1) that does not have a consolidated city; and
- (2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county executive that is a chief executive officer governed by and operating under this chapter.

**Sec. 2.** As used in this chapter, "chief executive officer" means the chief executive officer of a county elected under IC 3-10-2-13.

**Sec. 3.** In a county subject to this chapter:

- (1) the voters of the county:
  - (A) shall elect a chief executive officer; and
  - (B) shall not elect a board of county commissioners; under IC 3-10-2-13;
- (2) the board of county commissioners for the county is abolished January 1, 2011; and

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(3) the term of each county commissioner serving on January 1, 2011, expires on that day.

**Sec. 4. (a)** All powers and duties of the county that are executive or administrative in nature shall be exercised or performed by the chief executive officer, except to the extent that these powers and duties are expressly assigned by law to another elected or appointed officer.

**(b)** A reference in the Indiana Code related to the executive powers and duties of the board of county commissioners shall, for purposes of a county subject to this chapter, be considered a reference to the chief executive officer of the county.

**(c)** The county council has the legislative powers and duties of the county as provided in IC 36-2-3.7.

**Sec. 5.** The chief executive officer shall do the following:

**(1)** Report on the condition of the county before March 1 of each year to the county legislative body and to the residents of the county.

**(2)** Recommend before March 1 of each year to the county legislative body any action or program the chief executive officer considers necessary for the improvement of the county and the welfare of county residents.

**(3)** Submit to the county legislative body an annual budget in accordance with IC 36-2-5.

**(4)** Establish the procedures to be followed by all county departments, offices, and agencies under the chief executive officer's jurisdiction, to the extent these procedures are not expressly assigned by law to another elected or appointed officer.

**(5)** Administer all statutes, ordinances, and regulations applicable to the county, to the extent the administration of these matters is not expressly assigned by law to another elected or appointed officer.

**(6)** Supervise the care and custody of all county property.

**(7)** Supervise the collection of revenues and control all disbursements and expenditures, and prepare a complete account of all expenditures, to the extent these matters are not expressly assigned by law to another elected or appointed officer.

**(8)** Review, analyze, and forecast trends for county services and finances and programs of all county governmental entities, and report and recommend on these to the county legislative body by March 15 of each year.

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(9) Negotiate contracts for the county.

(10) Make recommendations concerning the nature and location of county improvements, and provide for the execution of those improvements.

(11) Supervise county administrative offices, except for the offices of elected officers.

(12) Approve or veto ordinances passed by the county legislative body in the manner prescribed by section 7 of this chapter.

(13) Perform other duties and functions that are assigned to the chief executive officer by statute or ordinance.

**Sec. 6. The chief executive officer may do any of the following:**

(1) Order any department, office, or agency under the chief executive officer's jurisdiction to undertake any task for another department, office, or agency under the chief executive officer's jurisdiction on a temporary basis, if necessary for the proper and efficient administration of county government.

(2) Establish and administer centralized budgeting, centralized personnel selection, and centralized purchasing.

**Sec. 7. Notwithstanding IC 36-2-2-1(b), the chief executive officer shall approve or veto ordinances passed by the county legislative body in the manner prescribed by IC 36-2-4-8.**

**Sec. 8. Notwithstanding any other law, if a statute requires a county executive to take an executive action by ordinance or resolution, a chief executive officer shall instead take the action by issuing an executive order.**

**SECTION 13. IC 36-2-3.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. This chapter expires January 1, 2011.**

**SECTION 14. IC 36-2-3.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:**

**Chapter 3.7. County Council as the County Legislative Body**

**Sec. 1. This chapter applies after December 31, 2010, to each county:**

(1) that does not have a consolidated city; and

(2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having the county council be the legislative body of the county.

**Sec. 2. As used in this chapter, "chief executive officer" means the chief executive officer of a county elected under IC 3-10-2-13**

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1 in a county subject to IC 36-2-2.5.

2 **Sec. 3. The executive and legislative powers of a county are**  
 3 **divided between separate branches of county government. A power**  
 4 **belonging to one (1) branch of county government may not be**  
 5 **exercised by the other branch of county government.**

6 **Sec. 4. (a) The county council elected under IC 36-2-3 is the**  
 7 **county legislative body as well as the county fiscal body.**

8 **(b) The chief executive officer is the county executive of the**  
 9 **county. The chief executive officer of the county has the executive**  
 10 **and administrative powers and duties of the county as provided in**  
 11 **IC 36-2-2.5.**

12 **Sec. 5. (a) All powers and duties of the county that are legislative**  
 13 **in nature shall be exercised or performed by the county council**  
 14 **functioning as the county legislative body.**

15 **(b) The county council has the same legislative powers and**  
 16 **duties that a county board of commissioners has in the counties**  
 17 **that are not subject to IC 36-2-2.5.**

18 **Sec. 6. The county council may do any of the following:**

19 **(1) Establish committees that are necessary to carry out the**  
 20 **county council's functions.**

21 **(2) Employ legal and administrative personnel necessary to**  
 22 **carry out the county council's functions.**

23 **(3) Pass all ordinances, orders, resolutions, and motions for**  
 24 **the government of the county, in the manner prescribed by**  
 25 **IC 36-2-4.**

26 **(4) Receive gifts, bequests, and grants from public or private**  
 27 **sources.**

28 **(5) Conduct investigations into the conduct of county business**  
 29 **for the purpose of correcting deficiencies and ensuring**  
 30 **adherence to law and county ordinances and policies.**

31 **(6) Establish, by ordinance, new county departments,**  
 32 **divisions, or agencies whenever necessary to promote efficient**  
 33 **county government.**

34 **SECTION 15. IC 36-2-4-8 IS AMENDED TO READ AS**  
 35 **FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) An ordinance,**  
 36 **order, or resolution is considered adopted when it is signed by the**  
 37 **presiding officer. If required, an adopted ordinance, order, or resolution**  
 38 **must be promulgated or published according to statute before it takes**  
 39 **effect.**

40 **(b) An ordinance prescribing a penalty or forfeiture for a violation**  
 41 **must, before it takes effect, be published once each week for two (2)**  
 42 **consecutive weeks, according to IC 5-3-1. However, if such an**

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ordinance is adopted by the legislative body of a county subject to IC 36-2-3.5 (before January 1, 2011) or IC 36-2-3.7 (after December 31, 2010) and there is an urgent necessity requiring its immediate effectiveness, it need not be published if:

- (1) the county executive proclaims the urgent necessity; and
- (2) copies of the ordinance are posted in three (3) public places in each of the districts of the county before it takes effect.

(c) In addition to the other requirements of this section, an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 (before January 1, 2011) or IC 36-2-3.7 (after December 31, 2010) is considered adopted only if it is:

- (1) approved by signature of a majority of the county executive;
- (2) neither approved nor vetoed by a majority of the executive, within ten (10) days after passage by the legislative body; or
- (3) passed over the veto of the executive by a two-thirds (2/3) vote of the legislative body, within sixty (60) days after presentation of the ordinance or resolution to the executive.

(d) After an ordinance or resolution passed by the legislative body of a county subject to IC 36-2-3.5 (before January 1, 2011) or IC 36-2-3.7 (after December 31, 2010) has been signed by the presiding officer, the county auditor shall present it to the county executive, and record the time of the presentation. Within ten (10) days after an ordinance or resolution is presented to it, the executive shall:

- (1) approve the ordinance or resolution, by signature of a majority of the executive, and send the legislative body a message announcing its approval; or
- (2) veto the ordinance or resolution, by returning it to the legislative body with a message announcing its veto and stating its reasons for the veto.

(e) This section does not apply to a zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(f) An ordinance increasing a building permit fee on new development must:

- (1) be published:
  - (A) one (1) time in accordance with IC 5-3-1; and
  - (B) not later than thirty (30) days after the ordinance is adopted by the legislative body in accordance with IC 5-3-1; and
- (2) delay the implementation of the fee increase for ninety (90) days after the date the ordinance is published under subdivision (1).

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SECTION 16. IC 36-2-6.5 IS ADDED TO THE INDIANA CODE  
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]:

**Chapter 6.5. County Finance Department**

**Sec. 1. This chapter applies only to a county:**

- (1) that does not have a consolidated city; and
- (2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county finance department that assumes the powers and duties held by the county auditor, the county treasurer, and the county assessor.

**Sec. 2. As used in this chapter, "county controller" means the county controller appointed under section 4 of this chapter.**

**Sec. 3. A county finance department is established on January 1, 2009, in each county.**

**Sec. 4. (a) The county executive of each county shall appoint a county controller.**

**(b) The county controller serves at the pleasure of the county executive.**

**Sec. 5. (a) After December 31, 2008, the county controller of a county is the fiscal officer of the county.**

**(b) The county controller is the head of the county finance department.**

**(c) After December 31, 2008, the county controller shall do the following:**

- (1) Receive and care for all county money and pay the money out only on order of the approving body.
- (2) Keep accounts showing:
  - (A) when and from what sources the county controller has received county money; and
  - (B) when and to whom the county controller has paid out county money.
- (3) Prescribe payroll and account forms for all county offices.
- (4) Prescribe the manner in which creditors, officers, and employees of the county shall be paid.
- (5) Manage the finances and accounts of the county and make investments of county money.
- (6) Prepare for the fiscal body the budget estimates of miscellaneous revenue, financial statements, and the proposed tax rate.
- (7) Issue all licenses authorized by statute and collect the fees fixed by ordinance.
- (8) Perform all other duties prescribed by statute.

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**(d) After December 31, 2008:**

**(1) the county controller has the duties and powers assigned by statute to the county auditor, county treasurer, or county assessor; and**

**(2) the county auditor, county treasurer, and county assessor no longer have those duties and powers.**

**(e) After December 31, 2008, a reference in the Indiana Code to the county auditor, county treasurer, or county assessor shall be considered a reference to the county controller.**

**(f) The county controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the county controller's duty as fiscal officer of the county, unless the act or omission constitutes gross negligence or an intentional disregard of the county controller's duty.**

**SECTION 17. IC 36-2-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section applies only to a county:**

**(1) that does not have a consolidated city; and**

**(2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county finance department that assumes the powers and duties held by the county auditor, the county treasurer, and the county assessor.**

**(b) After December 31, 2008:**

**(1) the duties and powers assigned by statute to the county auditor become the duties and powers of the county controller appointed under IC 36-2-6.5-4; and**

**(2) the county auditor no longer has those duties and powers.**

**(c) After December 31, 2008, a reference in the Indiana Code to the county auditor shall be considered a reference to the county controller appointed under IC 36-2-6.5-4.**

**SECTION 18. IC 36-2-10-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section applies only to a county:**

**(1) that does not have a consolidated city; and**

**(2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county finance department that assumes the powers and duties held by the county auditor, the county treasurer, and the county assessor.**

**(b) After December 31, 2008:**

**(1) the duties and powers assigned by statute to the county treasurer become the duties and powers of the county**

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1 controller appointed under IC 36-2-6.5-4; and

2 (2) the county treasurer no longer has those duties and  
3 powers.

4 (c) After December 31, 2008, a reference in the Indiana Code to  
5 the county treasurer shall be considered a reference to the county  
6 controller appointed under IC 36-2-6.5-4.

7 SECTION 19. IC 36-2-11-1.5 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section applies only  
10 to a county:

11 (1) that does not have a consolidated city; and

12 (2) in which the voters of the county have in a public question  
13 under IC 36-2-1.5 voted in favor of having the county  
14 executive determine which county departments and employees  
15 shall be responsible for carrying out duties and exercising  
16 powers assigned by statute to the county recorder and the  
17 county surveyor.

18 (b) After December 31, 2008:

19 (1) the county executive shall determine the offices,  
20 departments, agencies, or employees of county government  
21 that shall be responsible for carrying out duties and exercising  
22 powers assigned by statute to the county recorder;

23 (2) the duties and powers assigned by statute to the county  
24 recorder become the duties and powers of the county offices,  
25 departments, agencies, or employees that the executive  
26 determines under subdivision (1) are responsible for carrying  
27 out the duties and exercising powers of the county recorder;  
28 and

29 (3) the county recorder no longer has those duties and powers.

30 (c) After December 31, 2008, a reference to the county recorder  
31 in a provision of the Indiana Code shall be considered a reference  
32 to the particular office, department, agency, or employee of county  
33 government that the executive determines under subsection (b)(1)  
34 is responsible for:

35 (1) carrying out the particular duty referred to; or

36 (2) exercising the particular power referred to;

37 in that provision of the Indiana Code.

38 SECTION 20. IC 36-2-12-1.5 IS ADDED TO THE INDIANA  
39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2007]: Sec. 1.5. (a) This section applies only  
41 to a county:

42 (1) that does not have a consolidated city; and

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(2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having the county executive determine which county departments and employees are responsible for carrying out duties and exercising powers assigned by statute to the county recorder and the county surveyor.

(b) After December 31, 2008:

(1) the county executive shall determine the offices, departments, agencies, or employees of county government that are responsible for carrying out duties and exercising powers assigned by statute to the county surveyor;

(2) the duties and powers assigned by statute to the county surveyor become the duties and powers of the county offices, departments, agencies, or employees that the executive determines under subdivision (1) are responsible for carrying out the duties and exercising powers of the county surveyor; and

(3) the county surveyor no longer has those duties and powers.

(c) After December 31, 2008, a reference to the county surveyor in a provision of the Indiana Code shall be considered a reference to the particular office, department, agency, or employee of county government that the executive determines under subsection (b)(1) is responsible for:

(1) carrying out the particular duty referred to; or

(2) exercising the particular power referred to;

in that provision of the Indiana Code.

SECTION 21. IC 36-2-14-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) As used in this section, "board" means the coroners training board established by IC 4-23-6.5-3.

(b) The board shall prescribe a minimum basic training course for coroners.

(c) Each coroner must successfully complete the appropriate minimum basic training course prescribed by the board under subsection (b) not later than six (6) months after the coroner takes office.

(d) If a coroner does not successfully complete the minimum basic training course prescribed by the board under subsection (b), the county shall withhold the paycheck of the coroner and may not compensate the coroner until the coroner successfully completes the minimum basic training course.

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SECTION 22. IC 36-2-15-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) This section applies only to a county:**

- (1) that does not have a consolidated city; and**
- (2) in which the voters of the county have in a public question under IC 36-2-1.5 voted in favor of having a county finance department that assumes the powers and duties held by the county auditor, the county treasurer, and the county assessor.**

**(b) Notwithstanding any other law, the following apply in a county subject to this section:**

- (1) The office of county assessor is abolished on December 31, 2008.**
- (2) The term of each county assessor serving on December 31, 2008, expires at the end of that day.**
- (3) An individual may not hold office as county assessor after December 31, 2008.**
- (4) After December 31, 2008, the duties and powers assigned by statute to the county assessor become the duties and powers of the county controller appointed under IC 36-2-6.5-4.**
- (5) After December 31, 2008, a reference in the Indiana Code to the county assessor shall be considered a reference to the county controller appointed under IC 36-2-6.5-4.**

SECTION 23. IC 36-9-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.** For purposes of this chapter, the following are considered the governing bodies of their respective eligible entities:

- (1) Board of commissioners, for a county not subject to IC 36-2-3.5 (before January 1, 2011), IC 36-2-3.7 (after December 31, 2010), or IC 36-3-1.**
- (2) County council, for a county subject to IC 36-2-3.5 (before January 1, 2011) or IC 36-2-3.7 (after December 31, 2010).**
- (3) City-county council, for a consolidated city or county having a consolidated city.**
- (4) Common council, for a city other than a consolidated city.**
- (5) Town council, for a town.**
- (6) Trustee and township board, for a civil or school township.**
- (7) Board of school trustees, board of school commissioners, or school board, for a school corporation.**
- (8) Board of trustees, for a health and hospital corporation.**

SECTION 24. [EFFECTIVE JULY 1, 2007] **(a) The legislative**

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1 services agency shall prepare legislation for introduction in the  
 2 2008 regular session of the general assembly to organize and  
 3 correct statutes affected by this act, if necessary.

4 (b) This SECTION expires January 1, 2009.

5 SECTION 25. [EFFECTIVE JULY 1, 2007] (a) This SECTION  
 6 applies to each county:

7 (1) that does not have a consolidated city; and

8 (2) in which the voters of the county have in a public question  
 9 held at the November 2008 general election under IC 36-2-1.5,  
 10 as added by this act, voted in favor of having a county  
 11 executive that is a chief executive officer governed by and  
 12 operating under IC 36-2-2.5, as added by this act.

13 (b) Notwithstanding any other provision, in a county subject to  
 14 this SECTION a county chief executive officer shall be elected at  
 15 the November 2010 general election. The term of office of the  
 16 initial county chief executive officer is:

17 (1) four (4) years; and

18 (2) begins January 1, 2011.

19 (c) This SECTION expires July 1, 2011.

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